



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

September 11, 2000

John Kersey
Chief Investigator
Bureau of Occupational Licenses
STATEHOUSE MAIL

Re: Bureau of Occupational Licenses Investigations;
Case Nos. REA-L3-02-96-016
REA-L3-02-96-040
REA-L3-02-97-010
REA-P2C-02-98-004
REA-L3-02-96-042

Dear John:

Enclosed please find the original Findings of Fact, Conclusions of Law, and Final Order with Exhibit 1, the facsimile original of the signed Voluntary Surrender Form. You will note that there are some interlineations on the Voluntary Surrender Form. The changes are not anything which should hold up an agreement in this case. Should the board accept the voluntary surrender, the two open complaint files currently being investigated should be closed per our agreement.

Please give the board chair the original and distribute copies accordingly. I will be at the board meeting to present this case. If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script, reading "Kirsten L. Wallace", is written over the typed name.

KIRSTEN L. WALLACE
Deputy Attorney General

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BEFORE THE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:)	Case Nos. REA-L3-02-96-016
)	REA-L3-02-96-040
LARRY M. TAYLOR,)	REA-L3-02-97-010
License No. LRA-124,)	REA-P2C-02-98-004
)	REA-L3-02-96-042
)	
)	FINDINGS OF FACT, CONCLUSIONS
Respondent.)	OF LAW, AND FINAL ORDER
)	

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Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho State Board of Real Estate Appraisers (hereinafter the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Larry M. Taylor ("Respondent") is a duly licensed real estate appraiser in the State of Idaho holding License No. LRA-124.
2. The Board has received five complaints concerning five appraisal reports prepared by Respondent. The complaints allege that Respondent prepared and completed appraisal reports that violated the Uniform Standards of Appraisal Practice.
3. On or about ^{8-28-00 RW} ~~DATE~~, Respondent voluntarily surrendered his license as a resolution of the allegations pending against him. Respondent admitted that the Board had jurisdiction to proceed in this matter. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit 1.
4. Respondent knowingly and freely waived his right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

CONCLUSIONS OF LAW

1. As a licensed real estate appraiser in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 41, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations in the complaints, if proven, would constitute violations of the Real Estate Appraisers Act and Board Rules and constitute grounds for revocation or suspension of Respondent's license to practice real estate appraising pursuant to Idaho Code § 54-4101(e) and IDAPA 24.18.01.700.

3. Respondent's voluntary surrender of licensure authorizes the Board to suspend Respondent's license without further process pursuant to Idaho Code § 54-4107.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that the Board accepts the voluntary surrender of Respondent's license. Real Estate Appraiser License No. LRA-124 issued to Respondent Larry M. Taylor is suspended indefinitely based upon voluntary surrender, and is subject to subsequent review pursuant to the terms of this Order.

It is further ordered that, should Respondent request reinstatement of licensure in the future, that he present the following information and documents to the Board with his application for reinstatement:

1. Submit an application for reinstatement on a form accepted by the Board, and submit the required fee for reinstatement; and

2. Evidence of meeting all continuing education requirements required to maintain licensure.

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The Board reserves the right to assess reasonable investigative costs and attorney fees incurred in this matter as a condition of reinstatement.

This order is effective immediately.

DATED this 18th day of September, 2000.

IDAHO STATE BOARD OF REAL
ESTATE APPRAISERS

By R. Doyle Pagnino
~~Paul Morgan~~
Chair R. Doyle Pagnino

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

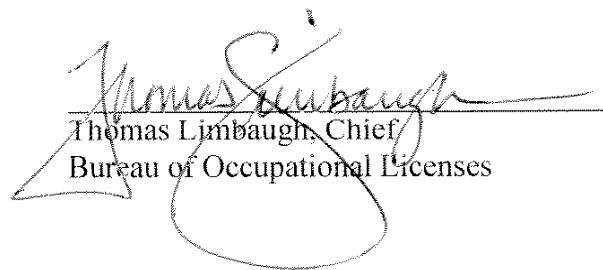
Respondent must apply for reinstatement on forms prescribed by the Board. At the time of application, the Board may conduct further evidentiary hearings to determine whether to grant a license, extend a limited license, or deny application for reinstatement.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of September, 2000, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Larry M. Taylor
C/o David H. Leroy
Attorney at Law
P.O. Box 193
Boise, ID 83701

Kirsten L. Wallace
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010


Thomas Limbaugh, Chief
Bureau of Occupational Licenses

**VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF FORMAL DISCIPLINARY HEARING**

I, Larry M. Taylor hereby voluntarily surrender my license to practice real estate appraisals in the State of Idaho and will immediately discontinue the practice of real estate appraising in this state. By affixing my signature hereto, I acknowledge that:

1. I have been advised that, without my consent, no legal action can be taken against me except as allowed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and the Idaho Real Estate Appraisers Act, Title 54, Chapter 41, Idaho Code.

2. I understand that I have the right to a hearing, the right to confront and cross-examine witnesses, the right to present evidence and testimony on my behalf, the right to appeal and all other rights accorded to me by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. I voluntarily and knowingly waive these rights without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Idaho State Board of Real Estate Appraisers.

3. I also waive the right to contest this surrender and the right to challenge the board for bias in ~~any subsequent proceedings concerning this matter, or any other matters brought before the Board.~~

4. In surrendering my license to practice real estate appraisals, I am not making any admissions; however, I acknowledge that the Idaho State Board of Real Estate Appraisers has jurisdiction to proceed against my license pursuant to Idaho Code § 54-4107.

5. I understand that, pursuant to Idaho Code § 54-4107, the Idaho State Board of Real Estate Appraisers will enter an order accepting the voluntary surrender of my license, and ~~either revoke or~~ suspend my license to practice real estate appraisals based upon the voluntary surrender of my license.

6. I understand that by surrendering my license to practice real estate appraisals I am also surrendering all of the privileges associated with that licensure, until such time as I am again properly licensed.

7. I agree that there will be no rebate or refund, either in full or in part, of any sums previously made by me in connection with my licensure, including but not limited to payments of license application or renewal fees.

8. I understand that to regain a license to practice real estate appraising in the state of Idaho, I must re-apply to the Idaho State Board of Real Estate Appraisers pursuant to the provisions of Title 54, Chapter 41, Idaho Code and all applicable rules and orders entered by the Board.

9. I understand and agree that any decision regarding reinstatement of my license is a discretionary decision for the Board. I understand and agree that the Board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement.

DATED: 8-28-00

[Signature]
Signature of Licensee

851 E. Ashlar Ct.

Address

Meredith ID 83642

City, State, Zip

DATED: 8-28-00

[Signature]
Signature of Witness

Exhibit 1

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